

United States Patent and Trademark Office



UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILI	NG DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,862	12/	31/2003	Oleg Kiselev	VRT0058P1US	6313
60429 CSA LLP	7590	03/12/2007		EXAM	INER
4807 SPICEW		INGS RD.	RUTZ, JARED IAN		
BLDG. 4, SUITE 201 AUSTIN, TX 78759				ART UNIT	PAPER NUMBER
71001111, 172	10133	•		2187	_
			•		
				MAIL DATE	DELIVERY MODE
				03/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Document Code - AP.PRE.DEC Notice of Panel Decision from Pre-Appeal Brief Review Jared I. Rutz 2187				Reexamination						
Jared I. Rutz 2187		10/749,862								
Notice of Panel Decision from Pre-Appeal Brief Review This is in response to the Pre-Appeal Brief Request for Review filed 1/22/07. Improper Request – The Request is improper and a conference will not be held for the following reason(s): The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request. The request does not include reasons why a review is appropriate. A proposed amendment is included with the Pre-Appeal Brief request. Other: The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received. 2. Proceed to Board of Patent Appeals and Interferences – A Pre-Appeal Brief conference has been held. The application remains under appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period for the notice of appeal, as applicable. The panel has determined the status of the claim(s) is as follows: Claim(s) allowed: Claim(s) preceded to 1/8, 1/2, 1/3, 1/4 and 1/8. Claim(s) rejected to 1/8, 1/11, 1/3, 1/4 and 1/8. Claim(s) withdrawn from consideration:				Art Unit						
Notice of Panel Decision from Pre-Appeal Brief Review		Jared I. Rutz		2187						
This is in response to the Pre-Appeal Brief Request for Review filed 1/22/07. 1. Improper Request – The Request is improper and a conference will not be held for the following reason(s):	Document Code - AP.PRE.	DEC								
1. Improper Request – The Request is improper and a conference will not be held for the following reason(s): The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request. The request does not include reasons why a review is appropriate. A proposed amendment is included with the Pre-Appeal Brief request. Other: The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received. 2. Proceed to Board of Patent Appeals and Interferences – A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable. The panel has determined the status of the claim(s) is as follows: Claim(s) allowed: Claim(s) objected to: 7, 8, 12, 15, and 18. Claim(s) objected to: 7, 8, 12, 15, and 18. Claim(s) withdrawn from consideration:					Review					
The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request. The request does not include reasons why a review is appropriate. A proposed amendment is included with the Pre-Appeal Brief request. Other: The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received. 2. Proceed to Board of Patent Appeals and Interferences — A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable. The panel has determined the status of the claim(s) is as follows:	This is in response to the Pre-Appeal Brief Request for Review filed <u>1/22/07</u> .									
The request does not include reasons why a review is appropriate. A proposed amendment is included with the Pre-Appeal Brief request. Other: The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received. 2. ☑ Proceed to Board of Patent Appeals and Interferences — A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filling an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable. ☑ The panel has determined the status of the claim(s) is as follows: Claim(s) allowed: Claim(s) allowed: Claim(s) allowed: Claim(s) withdrawn from consideration: 3. ☐ Allowable application — A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by applicant at this time. 4. ☐ Reopen Prosecution — A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time.	 · · · · · · · · · · · · · · · · · ·	uest is imprope	r and a conferer	ice will not be held fo	or the following					
the mail date of the last Office communication, if no Notice of Appeal has been received. 2. Proceed to Board of Patent Appeals and Interferences – A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable. The panel has determined the status of the claim(s) is as follows: Claim(s) allowed: Claim(s) objected to: 7.8.12.15. and 16. Claim(s) rejected: 1-6.9-11.13.14 and 18. Claim(s) withdrawn from consideration: Allowable application – A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by applicant at this time. Reopen Prosecution – A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time.	The request does not includA proposed amendment is in	e reasons why a	a review is appro	priate.	quest.					
held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable. No further action is a state of the claim(s) is as follows: Claim(s) allowed:										
Claim(s) objected to: 7, 8, 12, 15, and 16. Claim(s) rejected: 1-6, 9-11, 13, 14 and 18. Claim(s) withdrawn from consideration: 3. Allowable application – A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by applicant at this time. 4. Reopen Prosecution – A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time.	held. The application remains under is required to submit an appeal brief brief will be reset to be one month from the receipt of the notice appeal brief is extendible under 37 C	appeal because in accordance of mailing this of appeal, which is the control of t	e there is at leas with 37 CFR 41. decision, or the chever is greate	at one actual issue fo 37. The time period to balance of the two-mar. Further, the time p	r appeal. Applicant or filing an appeal nonth time period eriod for filing of the					
Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by applicant at this time. 4. Reopen Prosecution – A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time. All participants:	Claim(s) allowed: Claim(s) objected to: <u>7, 8, 12, 1</u> Claim(s) rejected: <u>1-6, 9-11, 13</u>	1 <u>5, and 16</u> . 8, 14 and 18.	e claim(s) is as f	ollows:						
action will be mailed. No further action is required by applicant at this time. All participants:	Allowance will be mailed. Prosecution									
Lymno H Dans					nd a new Office					
(1) Jared I Rutz (3) I vane H Browne Lynne H. Browne	All participants:			\sim	<u> </u>					
	(1) Jared I. Rutz.		(3)L vnne H	Browne. Lyn	ne H. Browne					

(4)_____.

Application/Control No.

Applicant(s)/Patent under

Appeal Specialist, TQAS Technology Center 2100

(2) Donald Sparks.